TL 4661

Public

amnesty international

EAST TIMOR
Safeguarding the future

9 March 1999

AI INDEX: ASA 21/15/99
DISTR: SC/CC/CO

On 10 March the Indonesian and Portuguese Governments will meet under the auspices of the United Nations (UN) to discuss a package of measures granting autonomy to the territory of East Timor. The talks have gained added momentum following the Indonesian Government's announcement in January 1999 that the territory could become independent if the autonomy package is rejected by the East Timorese.

Despite the advances towards a political solution for East Timor, the human rights situation remains serious. The Indonesian Armed Forces (ABRI) continue to commit arbitrary detention, torture, "disappearances" and unlawful killings. The activities of pro-Indonesian paramilitary groups have increased in recent months and have resulted in serious human rights violations including arbitrary detention, torture, ill-treatment and unlawful killings. Paramilitary units are also responsible for threats against human rights defenders. The Indonesian Government's new position on East Timor's future has also heightened tension between East Timorese who favour independence and those wanting to remain within Indonesia, and has led to violent clashes between the two sides.

Amnesty International urges the United Nations (UN) and the governments of Indonesia and Portugal to place human rights at the centre of any agreement concerning the territory's future. Other governments or parties which are actively involved in resolving the conflict such as Australia and the United States, and the East Timorese National Council of Resistance (CNRT) should also ensure that human rights are fundamental to any solution. Any framework developed for the territory should include human rights and humanitarian law guarantees consistent with international standards as a fundamental component. In addition, adequate resources must be provided for initiatives aimed at promoting and protecting human rights including human rights monitoring and the establishment of institutions which will guarantee that human rights are protected.

Immediate steps to end human rights violations

Amnesty International believes that immediate steps to end human rights violations in East Timor would help ease tensions in the territory and generate the trust and goodwill which will be needed to secure a political settlement. Any agreement on the future of East Timor should be accompanied by measures which would:

- ensure the release of the remaining East Timorese prisoners of conscience and establish a timetable for the review of convictions against East Timorese imprisoned after trials which failed to meet international standards.

- prevent further arbitrary detention by ensuring that arrests are conducted in accordance with international human rights standards, by law enforcement officials mandated to do so and not by members of the Indonesian Armed Forces or paramilitary units. Take measures to ensure that detainees are not at risk of torture or ill-treatment.

- prevent further torture, "disappearances" and unlawful killings by ensuring that the Indonesian Armed Forces strictly comply with all relevant international human rights and humanitarian law standards.

- in view of the mounting evidence of the role of paramilitary units in serious human rights violations, ensure that the units are disarmed and disbanded if they are not to be immediately regularised and issued with orders to act in accordance with international human rights standards.

- ensure that all troops under the control of the East Timorese National Liberation Army (*Falintil*) act in accordance with minimum standards of international humanitarian law as set out in Article 3 of the Geneva Conventions.[1]

- establish a UN human rights monitoring mechanism in East Timor with a mandate to investigate and report human rights abuses; such a mechanism should have adequate resources and include members with specific expertise on women's rights.

- ensure that human rights monitors are given access to all areas of East Timor and that they are able to carry out their work without threats and intimidation, in accordance with the provisions of the Human Rights Defenders Declaration adopted by the General Assembly in December 1998.

- clarify the identity, the whereabouts and charges against all East Timorese currently detained by the Indonesian security forces or by paramilitary units.

Securing human rights for the future

In order to ensure that human rights are secured for the future in East Timor, any political model agreed for the territory should:

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[1]Common Article 3 of the Geneva Conventions of 12 August 1949 sets out minimum standards for the treatment of civilians and prisoners by all sides in situations of armed conflict.

- contain a charter of fundamental human rights consistent with international standards.

- ensure that a human rights needs assessment for East Timor is conducted in consultation with representatives of East Timorese non-governmental organizations. Ensure that the assessment considers the human rights needs of women in East Timor. The assessment should develop an action plan for the strengthening of institutions for the protection of human rights in East Timor and should form a basis for international donor programs to East Timor.

- establish enforceable laws and codes of practice that ensure that all security forces and law enforcement personnel operating in East Timor strictly comply with all relevant international human rights and humanitarian law standards, including the UN Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners, and the Basic Principles for the Protection of All Persons under Any form of Detention or Imprisonment.

- create a civilian police force which is representative of all sectors of East Timorese society, has clearly defined powers and is fully accountable for its actions.

- ensure that current and future law enforcement personnel are trained in relevant human rights standards including the UN Code of Conduct for Law Enforcement Officials; the UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials and the UN Body of Principles for the Protection of All persons under Any Form of Detention of Imprisonment.

- ensure that no members of the Indonesian Armed Forces, the pro-Indonesian paramilitary units or *Falintil* who have been responsible for human rights abuses are transferred into any future civilian East Timorese police force.

- review the operations of the judiciary in East Timor in light of international standards on the independence and impartiality of the judiciary. Ensure that current and future judges, prosecutors and relevant authorities are trained in and apply the UN Basic Principles on the Independence of the Judiciary, the UN Guidelines on the Role of Prosecutors and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

- ensure that there is a national commission on human rights in East Timor which meets international standards on national institutions for the promotion and protection of human rights and which is reflective of East Timorese society.

- implement measures to prevent discrimination against and harassment of groups opposed to independence and of minorities including Indonesian migrants living in East Timor.

- ensure cooperation with UN human rights mechanisms and arrange early visits to East Timor by the United Nation Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

- establish mechanisms to ensure the full and impartial investigation of all human rights violations, including those which occurred in the past. Victims of human rights violations and their families should be granted full redress and perpetrators should be brought to justice.

KEYWORDS: PEACE-KEEPING1 / CHANGE OF GOVERNMENT / UN / INTERNATIONAL MEETINGS /

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